HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16215 of 2005

Dated 26-07-2005

Between:

1. Shaik Zaheda Begum and 4 others. .. Petitioners

and

The Mandal Revenue Officer, Edlapadu Mandal, Guntur .. Respondent

HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16215 of 2005

ORDER:

This Writ Petition has been filed to declare the impugned notice dated 20-06-2005, issued by the respondent-Mandal Revenue Officer, Edlapadu Mandal, under clause (5) of the A.P.Assigned Lands and Prohibition Act, 1977 (for brevity 'the Act'), evicting the petitioners from their lands in Survey Nos.943/1 to 8, 939/1 to 7, 935/1 to 9, 936/1 and 936/3 to an extent of Ac.7.13 cents, Ac.6.42 cents, Ac.8.91 cents, Ac.4.62 cents and Ac.2.24 cents respectively, situate in Kondaveedu village, Edlapadu Mandal, Guntur District, as illegal, without jurisdiction and contrary to law.

2. The contention of the petitioners is that the petitioners are the *bona fide* purchasers of the said lands purchased under the registered sale deeds and they were given pattadar passbooks and title deeds and they are in possession and enjoyment of the said lands since long time. While so, the respondent issued impugned notice dated 20-06-2005, evicting the petitioners from the lands in question which is against the provisions of the Act.

3. The learned Government Pleader for Revenue, appearing for the respondent, contends that the respondent issued impugned notice dated 20-06-2005, on the ground that the petitioners have purchased the lands in question, which were assigned to their vendors, contrary to the provisions of the Act. He further contends that the petitioners without filing explanations to the said impugned notice, straight away approached this Court and filed the Writ Petition and therefore, the Writ Petition is not maintainable.

4. Having regard to the facts and circumstances of the case, I am of the considered opinion that the petitioners are said to be in possession of the lands in question for a long time and they are the *bonafide* purchasers of the said land. Therefore, I deem it consider to dispose of the Writ Petition with certain direction.

5. Accordingly, the Writ Petition is disposed of directing the petitioners to submit their explanations to the respondent against the impugned notice dated 20-06-2005, within a period of two weeks from the date of receipt of a copy of

this order. Thereafter, the respondent-Mandal Revenue Officer, Edlapadu, shall consider the same and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of explanations to be submitted by the petitioners, after affording reasonable opportunity to the effected parties. Till such time, the respondent is directed not to dispossess the petitioners from the lands in question. No costs.

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Kvr July 26, 2005